

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOHN BONILLA, *et al.*,

No. C-05-3259 EMC

Plaintiffs,

v.

**ORDER VACATING HEARING ON
PLAINTIFFS' MOTION FOR
ATTORNEY'S FEES**

KDH BACKHOE SERVICE, INC., *et al.*,

Defendants.

Plaintiffs have filed a motion for attorney's fees which the Court set for hearing on January 3, 2007. KDH Backhoe's opposition was due on December 6, 2006, but no opposition was filed. Upon inquiry by the Court, counsel for KDH Backhoe stated that no opposition would be filed and further stated that he would not appear for the hearing on the motion. In light of these representations, the Court hereby VACATES the hearing on the motion and will issue a ruling based on Plaintiffs' papers.

IT IS SO ORDERED.

Dated: December 21, 2006


EDWARD M. CHEN
United States Magistrate Judge